

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING  
PLANNING COMMISSION AT ITS REGULAR MEETING OF OCTOBER 15, 2013

PLANNING COMMISSION  
MINUTES OF SEPTEMBER 17, 2013  
CITY COUNCIL CHAMBERS  
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, Goodheart, Hegyi, Micele, Postema, Spencer,  
Weller

MEMBERS ABSENT: Woodruff

STAFF PRESENT: Cochran, City Planner  
Rynbrandt, Director of Community Services  
Lucar, Administrative Aide

Chair Spencer called the meeting to order at 7:00 PM.

Motion by Micele, supported by Hegyi, to excuse Woodruff. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes of August 20, 2013 were approved as written.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There was no public comment.

AGENDA ITEM NO. 1

Request to rezone 21.3 acres from ER Estate Residential to R-7 Special Multiple Family Residential. The property is located at the northwest corner of 56<sup>th</sup> Street and Canal Avenue. (Section 31) (Rivertown Homes By Design)

Cochran referred to the letter submitted by petitioner Dan Vredevoogd of Rivertown Homes by Design, LLC. They have requested the Planning Commission defer their application until the next scheduled Planning Commission meeting. This will give them an opportunity to obtain additional information on the wetland areas of this project and develop an alternate layout of the

property as a single family development. It will also give them additional time to address the concerns of the Planning Commission and respond to the comments raised at the public hearing.

Motion by Hegyi, supported by Weller, to defer this item one month as requested by the petitioner. Motion carried unanimously.

#### AGENDA ITEM NO. 2

Request for building façade approval for Elite Training. The property is located at 5920 and 5930 Clyde Park Avenue. (Section 36) (Elite Training)

Cochran noted this development project was reviewed and approved by the Planning Commission on June 18, 2013. The approval included the condition that an amended façade plan be provided that would comply with Zoning Code Section 90-59, which requires the fronts of buildings in commercial districts to be of such material and design to be in keeping with character of the area.

The petitioner and their consultant have been working with staff to develop the amended façade plan. It now includes a 10 foot high masonry treatment that extends the length of the front wall. There are also several windows added that will be glazed with spandrel glass. These will look like the entry door windows but will not allow light into the building or be exposed from the inside. Accent bands are also included.

#### Planning Commission Action:

The Development Review Team recommended the Planning Commission grant building façade approval for Elite Training.

Motion by Bueche, supported by Arnoys, to grant building façade approval for Elite Training. Motion carried unanimously.

#### AGENDA ITEM NO. 3

Request to amend Zoning Code Chapter 90 to establish Form Based Code provisions.

Cochran noted on March 5, 2012, the City Council approved the Turn On 28<sup>th</sup> Street Corridor Sub Area Plan as an amendment to the City of Wyoming Land Use Plan 2020. The Sub Area Plan was the culmination of a two year transparent and inclusive community effort to re-imagine a one mile section of 28<sup>th</sup> Street between Clyde Park Avenue and Burlingame Avenue. The Sub Area Plan strives to guide the City by establishing a practical strategy to transform the aged commercial corridor into a vibrant, inviting, and sustainable mixed use district.

In order to implement the Sub Area Plan, new zoning codes were required to articulate set standards to the business community what was desired. Conventional zoning codes were recognized as being inadequate to properly articulate the placement of buildings, their

appearance and the mixture of uses necessary for place making and being an economic development tool. Shortly after adoption of the Sub Area Plan, a City Council appointed Steering Committee was established to work with the consulting firms of Nederveld and Williams & Works and City staff to develop an appropriate Form Based Code (FBC) to establish, under law, these requirements.

After a year of development, the draft FBC was completed and adopted by the Steering Committee. In order to present it to the community for consideration, two public outreach meetings were held at the Wyoming Library on August 27. The first meeting was held with area developers, commercial real estate agents, and financial interests. The second meeting was with corridor property owners and interested citizens. The feedback from both meetings was supportive of the FBC. Comments were obtained from those participating for further deliberation by the Planning Commission. Other than typographical errors, the draft FBC has not been amended to date. Those amendments will occur after the Planning Commission deliberations and before it is provided for adoption by the City Council. In addition to the two public meetings, the FBC has been widely announced and has been posted on the City website under the 28 West marketing link. Specific individual meetings with key property owners and City representatives have also occurred.

#### Proposed Ordinance Amendments:

Although proposed as a part of the Zoning Code, the FBC's provisions are unique and will serve as a distinctive section. Rather than utilize text almost exclusively, the FBC uses extensive graphics and pictures along with the text to articulate the requirements to be very user friendly. The FBC is intended to be applied initially to the targeted 28<sup>th</sup> Street corridor area, but may have other future applicability in established commercial areas of the City that are in need of revitalization. The FBC identifies six context zones within the 28<sup>th</sup> Street corridor, each with specific building design options, placements and uses. The FBC permits a wide range of land uses from a traditional downtown, retail, offices, educational, multifamily and single family residences. The FBC is structured to streamline the approval process by providing administrative approvals for projects meeting the specified project design options.

The FBC also establishes specific street design standards to properly connect the public realm of streets and sidewalks with the buildings fronting upon them. This connectivity of buildings, mixed uses and public spaces is what creates vibrant place making. The FBC goes further by establishing maximum parking and shared parking standards. The combination of building and parking alternatives allows developers to achieve greater use of their properties.

Some additional sign provisions are included that allow projecting signage from building faces into the public right-of-ways and also temporary sidewalk signs. Definitions have been included to help explain the FBC provisions and expands upon those existing within the Zoning Code.

Upon adoption of the Form Based Code, the City will initiate the rezoning of the 28<sup>th</sup> Street corridor between Clyde Park Avenue and Burlingame Avenue. Those properties are currently a

mixture of DC Downtown Center, B-2 General Business, B-3 Planned Business and R-2 Single Family Residential zonings.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments to establish Form Based Code provisions.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Motion by Hegyi, supported by Micele, to recommend to the City Council the subject Zoning Code amendments to establish Form Based Code provisions, including any modifications determined by the Planning Commission. Discussion followed.

Postema indicated he had noted many items in the draft document that needed discussion.

Cochran suggested they address the Form Based Code Comments section first. Staff and the consultants would like a clear direction from the Commissioners on a few key items identified in this section.

Regarding Comment 1 regarding how best to trigger the application of the code for redevelopment of existing structures, staff is suggesting a threshold of 25% of the total building instead of the 5,000 sq. ft. rule. The consultants also agree with the 25% threshold.

Because of the length of time needed for discussion, Goodheart suggested this item be tabled and moved to the end of the agenda

Motion by Goodheart, supported by Postema, to table this item and move it to the end of the agenda. Motion carried unanimously.

AGENDA ITEM NO. 4

Request for Special Use Approval for the reconstruction and expansion of Speedway.  
The property is located at 3605 Burlingame Avenue, SW. (Section 22) (exp.) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. This property has been used as a service station/convenience store (c-store) for over 50 years. In April 2009, the existing Speedway facility and an adjoining residence was rezoned from B-1 Local Business and R-2 Single Family Residential to B-2 General Business to accommodate this proposed redevelopment. Speedway proposes to demolish the existing store, pump island area, and an adjoining residence to facilitate a new 4,000 s.f. c-store. The Special Use Approval standards are being applied to this request as the overall site is being expanded.

The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

This property has been used as a c-store for many decades. The redevelopment plans provide for a better overall and safer design. No adverse effects will occur to neighboring properties.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. The request is for an expansion of an existing Special Use. The proposed use is consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The property has direct access to both Burlingame Avenue and 36<sup>th</sup> Street. The redesign adds an additional driveway west on 36<sup>th</sup> Street allowing access to the property farther from the intersection. The relocated tanks allow for better fuel delivery truck movements through the property and on to the public streets. New greenbelts along both streets provide for more controlled on-site traffic movements. The reconstruction of the Speedway provides for safer traffic movements. No adverse traffic impacts are anticipated with this reconstruction.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The proposed reconstruction will upgrade an aged commercial building and property. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

Staff has no additional concerns.

- g. That all other provisions of this chapter are met.

All other provisions are met.

Staff had the following added site plan comments:

1. Final utility, grading and storm water management plans shall be approved by the Engineering Department. Storm water calculations shall be provided. A driveway permit from the City is required. Burlingame Avenue drive entrances require a deceleration taper to be incorporated with the drives. A 25' by 25' clear vision easement is required at the corner of Burlingame Avenue and 36<sup>th</sup> Street.
2. The proposed project shows 26 parking spaces (including pump island allowance) with 19 spaces required. A maximum 20% increase beyond that required (23 spaces) is set by Zoning Code Section 90-646-7-e, except as approved by the planning commission based on documented evidence. Documentation must be provided to justify to the planning commission the additional three spaces, or they must be removed and converted into a landscaped area.
3. The landscape plan shows extensive plantings throughout the redevelopment. However, additional street trees are required to meet City code. An amended landscape plan meeting City requirements shall be approved by the Planning Department prior to installation.
4. The proposed façade plan shows a shingled, split faced masonry building, in keeping with other Speedway developments in the area. The proposed façade plan is acceptable.
5. Site lighting shall be designed to be directed downward and not cast into the adjoining neighborhood. Fuel pump canopy lights shall be recessed.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed Speedway rebuild will enhance an aged property and provide for a more aesthetic and safer development. The improved storm water management promotes environmental quality. As such, the redevelopment contribute to the city's environmental, economic and social strength. The proposed Speedway reconstruction conforms to the City of Wyoming sustainability principals.

Cochran mentioned there was one letter received from the owners of the Burlingame Dairy Dip across the street suggesting that, if Speedway's food menu expands, they should provide their own eating area for customers.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for Speedway per staff's Findings of Fact. In a separate motion, staff also recommended granting Site Plan Approval subject to conditions 1 - 5 noted.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Petitioner Chris Schrank of exp. indicated they will work with staff to address all the comments included in the staff report.

Motion by Postema, supported by Arnoys, to grant Special Use Approval for Speedway per staff's Findings of Fact. Discussion followed.

Hegyí asked, regarding condition 2 relative to parking, if the extra parking spaces are not allowed, which three parking spaces will be removed from the plan. Cochran replied parking spaces near the building could be removed. Hegyí asked if the petitioner could add at least some benches for outdoor eating. The petitioner responded affirmatively.

A vote on the motion carried unanimously.

Motion by Postema, supported by Micele, to grant Site Plan Approval subject to conditions 1 – 5 noted. Discussion followed.

Weller thought the additional parking spaces should remain on the plan as shown. The petitioner indicated they would prefer this option. Their documentation for justification is that they have 200 business transactions per hour at this location.

Hegyí asked if there was a back entrance. The petitioner replied yes.

Postema amended his motion, and supported by Micele, to grant Site Plan Approval subject to conditions 1 – 5, with a revised condition 2:

2. Allow an additional three parking spaces, as shown on the site plan, based on documented evidence that Speedway conducts 200 business transactions per hour at this location.

Discussion followed.

Bueche pointed out the site plan is not signed by a professional surveyor and the engineer did not provide proper signatures. The petitioner said he would have it corrected.

Goodheart asked if the four curb cuts had been approved by the Engineering Department. Cochran replied yes.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 5

Request for Special Use Approval for DMR Transportation – truck terminal and repair facility. The property is located at 2450 – 28<sup>th</sup> Street SW (Section 16) (Sensi Salja) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to renovate the existing 23,115 square foot building to establish a truck dispatch and repair facility on this 3.4 acre property. This property was initially developed in 1966 and was used as a truck repair facility. In November 2006, this property was rezoned from B-2 General Business to I-1 Light Industrial. The rezoning was to potentially accommodate its reuse as a bus terminal for Dean Transportation. On March 20, 2007 the Planning Commission granted Special Use and Site Plan Approval to Dean Transportation. Dean Transportation subsequently decided to not utilize the property. Most recently, a landscape supply business operated from the site, but it is now vacant.

The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

This property has had difficulty retaining tenants for several years. The proposed business activity is comparable to the prior truck repair use of the site, but would have more open storage of tractor trailers. The area west of Byron Center in both Wyoming and Grandville is primarily industrial. The use of the property for a truck terminal and repair facility should be restricted to allow truck access only from 28<sup>th</sup> Street and prohibit access south to 29<sup>th</sup> Street. This restriction would prevent truck movement conflicts and mitigate tractor noise to the residential developments located 240 feet to the south.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. There are numerous industrial facilities in this area of 28<sup>th</sup> Street, although it is acknowledged that none would have the visual trucking presence that this use would have on 28<sup>th</sup> Street. It is important to screen the trailers as much as practical to diminish this visual impact. Truck and trailer storage should be restricted to behind the front of the building in the enclosed storage yard. Slats should also be placed within the existing fence paralleling 28<sup>th</sup> Street to screen the trailer storage. With the proposed conditions, the use is consistent with the intent of the chapter.



- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The property has direct access to 28<sup>th</sup> Street. Prohibition of truck access to 29<sup>th</sup> Street is recommended. With this restriction, no adverse traffic impacts are anticipated from this business use.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The proposed business will occupy and renovate a vacant building. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

The storage of tractor trailers on unpaved surfaces is permitted. However, to minimize dust on to adjoining properties, dust control measures shall be periodically undertaken. The tracking of mud on to 28<sup>th</sup> Street is prohibited.

- g. That all other provisions of this chapter are met.

All other provisions are met.

Staff had the following added site plan comments:

1. The property has a neglected front yard greenbelt. To meet City requirements, the unpaved areas within 25 feet of the right-of-way must be reclaimed as a greenbelt with lawn and landscaping provided. A minimum of four trees, 2 ½ inch caliper shall be included. The landscape plan shall approved by the Planning Department prior to installation. Irrigation is encouraged.
2. Parking spaces meeting City requirements, including barrier free, shall be striped within the parking area.
3. The petitioner identified that part sales would be included with the business. Because this is an Industrial district, part sales is limited to a maximum of 10% of the building area. (Informational)

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed trucking business will occupy an under utilized property and will provide employment. As such, it will contribute to the city's economic strength. The proposed DMR Transportation conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for DMR Transportation per staff's Findings of Fact, subject to the following conditions:

1. Truck ingress and egress is restricted to 28<sup>th</sup> Street.
2. Truck storage is restricted to behind the front building wall and within the enclosed storage yard. Slats shall be provided within the fence paralleling 28<sup>th</sup> Street.
3. Dust control measures shall be periodically undertaken.
4. The tracking of mud on to 28<sup>th</sup> Street is prohibited.

In a separate motion, staff also recommended granting Site Plan Approval subject to conditions 1 and 2 noted.

Cochran noted there were 11 letters received regarding this request, which were distributed to the Commissioners.

Chair Spencer opened the public hearing.

Mike Overland, 2933 Byron Center Ave SW, President of the Arbor Lakes Condominium Association, expressed the Association's concerns. They do not want semi truck traffic using 29<sup>th</sup> Street because of increased noise and fumes. They are also requesting the parking lot be paved because of problems with dust.

The owner of several condominiums at 2929 Byron Center Ave SW said adding traffic on 29<sup>th</sup> Street would be a problem for Arbor Lakes Condo residents. He was also concerned with the added traffic movements on 28<sup>th</sup> Street.

Mike Terbeek, attorney representing Arbor Lakes Condominium Association, indicated when the Dean Transportation site plan was approved without access to 29<sup>th</sup> Street, a traffic study was later done and it was determined they could use 29<sup>th</sup> Street. He was afraid this could happen again with this project. They would like the use of 29<sup>th</sup> Street prohibited because of added traffic, noise and diesel fumes from semi trucks. The gravel parking lot should be paved to avoid

problems with dust. There should also be screening for any residential property with a view of the site. They are concerned about the enforcement of these conditions.

Denise Scott, 2043 Byron Center Ave SW, also is concerned about the potential use of 29<sup>th</sup> Street and the dust created from the gravel parking lot.

Diane Richardson, 2927 Byron Center Ave SW, mentioned her husband is on oxygen and she is concerned about the diesel fumes.

Tara Scott, 2919 Byron Center Ave SW, said her condo is right behind the fence of this property. She asked the Commissioners to consider the residents' quality of life.

Joyce Sullivan, 2925 Byron Center Ave SW, said it is very noisy already, so any access to 29<sup>th</sup> Street should be eliminated. She asked their hours of operation. She also thought their parking lot should be paved.

Dawn Martin, 2933 Byron Center Ave SW, noted when the truck repair use was created in 1966, the condos did not exist. The area has changed and now there is a residential neighborhood nearby.

The resident of 2945 Byron Center Ave SW was concerned about the view of the semi trucks and thought there should be added fencing. Traffic is already busy in this area and this use would only add to it. She asked what type of lighting is proposed. The value of their condos will only continue to decrease with this trucking use next door.

Chair Spencer closed the public hearing.

The petitioner was not in attendance to comment.

Motion by Hegyi, supported by Arnoys, to grant Special Use Approval for DMR Transportation per staff's Findings of Fact, subject to conditions 1 – 4, with a revised condition 2 and a new condition 3:

2. . . . and 29<sup>th</sup> Street.
3. The parking lot shall be completely paved.

Cochran mentioned that paving the entire 3.4 acre site is very costly and entails storm water management. This could be cost prohibitive for the petitioner.

Micele asked the hours of operation. Cochran replied during the daytime, but trailers could possibly be dropped off in the evenings. Micele asked if the drivers could spend the night in their trucks. Cochran did not know. Micele asked if there was a way a traffic study could be conducted prior to approval. Cochran said the reason Dean Transportation did a traffic study was because of the stacking of buses on 28<sup>th</sup> Street all exiting at one time. This situation does not apply to this use.

Micele asked if they could sell trucks. Cochran replied the petitioner has not identified a desire to sell trucks, only truck parts.

Bueche asked if they have an easement to 29<sup>th</sup> Street. Cochran replied it is unclear whether they have an official easement, but there has been a direct route to 29<sup>th</sup> Street then over to Byron Center Avenue used for over 50 years. Chair Spencer asked if access to 29<sup>th</sup> Street could be eliminated. Cochran responded affirmatively.

Motion by Hegyi, supported by Bueche, to table this item until such time the petitioner is in attendance and available for questions at a future meeting. Motion carried unanimously.

#### AGENDA ITEM NO. 6

Request for Special Use Approval for West Michigan Pawn. The property is located at 2290 – 28<sup>th</sup> Street, SW (Section 15) (Michael Friend) (Includes Site Plan Approval)

Cochran noted the petitioner has changed the location for his project since it was originally submitted. It is now located closer to 28<sup>th</sup> Street. This now changes the property notification boundaries and requires re-notification. He will prepare a revised staff report for the next meeting.

Chair Spencer opened the public hearing. There were no comments. Chair Spencer kept the public hearing open until the next meeting.

Petitioner Michael Friend said he was fine with tabling this item until next month's meeting.

Motion by Hegyi, supported by Weller, to table this item one month. Motion carried unanimously.

#### AGENDA ITEM NO. 3 (Continued)

Motion by Goodheart, supported by Micele, to remove this item from the table. Motion carried unanimously.

Regarding Form Based Code Comment 1, the Commissioners agreed the 25% threshold requirement is the best way to trigger application of the code for redevelopment of existing structures.

In reference to FBC Comments 3, 5 and 6, consultant Mark Miller of Nederveld Associates indicated that since LEED certification has become so prevalent, he did not think it was necessary to include it in the code as another item for the City to have to enforce. He suggested removing the LEED certification wording. The Commissioners agreed to removal of the wording.

Regarding FBC Comment 4 pertaining to accessibility requirements for buildings greater than two stories where the building code does not require an elevator, the Chief Building Official has recommended the wording be removed because it contradicts the State building code. The Commissioners agreed to removal of the wording.

Postema proceeded to identify many items in the draft document that required discussion and/or changes. The consultants noted all the recommendations and would make changes to the draft document.

Motion by Hegyi, supported by Arnoys, to table this item. Motion carried unanimously.

Rynbrandt recommended forming an ad hoc committee made up of a few Commissioners, staff and the consultants to meet and review the final document before next month's regular meeting. Arnoys, Bueche, Micele and Postema agreed to serve. A meeting would be scheduled within the next seven days.

#### INFORMATIONAL ITEMS

Cochran referred to the Planning Commission handbooks that were distributed to the Commissioners. Similar handbooks were also created for the City Council and Board of Zoning Appeals. Postema suggested the Subdivision Regulations be added to their booklets.

Chair Spencer clarified Roberts Rules of Order regarding an action taken last month. If a Commissioner makes a motion against an item, he may vote against it, but may not speak against it.

#### PUBLIC COMMENT

The owner of 2929 Byron Center Ave SW agreed with the Form Based Code concept for 28<sup>th</sup> Street. He thought it could have a positive ripple effect into other areas of the city.

#### ADJOURNMENT

The meeting was adjourned at 9:30 P.M.

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Anthony Woodruff, Secretary  
Wyoming Planning Commission

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Kimberly S. Lucar, Administrative Aide  
Wyoming Planning Commission